IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 3744 of 2005

Between:

1 Chakilam Laxmi Bhaktavastalamba, W/o. Late Sri Damodar,
R/o. H.No. 9-9-37, Viswakarama Street, Warangal.
2 Chakilam Krishna Kumar, S/o. Late Sri Damodar,
R/o. H.No. 9-9-37, Viswakarama Street, Warangal.
3 Chakilam Neerajakshi, D/o. Late Sri Damodar,
R/o. H.No. 9-9-37, Viswakarama Street, Warangal.

..... PETITIONER(S)

AND

1 The Canara Bank, Rep. by its Manager, Laxmipuram Grain Market Branch, (Incorporated into the Main Branch, Krishna Colony), Warangal.
2 The Central Bank, MEPD Section, Rep. by its Manager, MLA Quarters, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus call for the records relating to and in connection with the order dated 09-11-2004 passed in F.A.No. 1262 of 2004 in confirming the order dated 20-11-2004 in C.D.No. 55 of 2002 on the file of the District Consumer Forum at Warangal confined to the extent of awarding simple interest instead of granting compounded interest applicable to fixed deposits as bad, illegal and contrary to law, principles of natural justice, offending Article 14 of the Constitution of India, and pass such other order or orders.

Counsel for the Petitioners:MR.T.JAGDISH
Counsel for the Respondents:

The Court made the following :

ORDER:

The only question that falls for our consideration in the instant writ petition is as to whether the order passed by the A.P. State Consumer Disputes Redressal Commission, Hyderabad, (hereinafter referred to as 'the Commission') dated 09.11.2004 in F.A.No.1262 of 2004 confirming the orders passed by the District Consumer Forum, Warangal (hereinafter referred to as 'the consumer forum'), dated 20.11.2004 suffers from any infirmities and errors apparent on the face of the record requiring this Court's interference in exercise of its certiorari jurisdiction.

The consumer forum as well as the commission having noted failure on the part of the petitioners in producing the succession certificate for the purpose of release of the amounts by the respondents held that they are not entitled to payment of any compound interest as prayed for. Both the authorities below noticed that in the absence of the succession certificate, amounts could not be released in favour of he petitioners. The respondents at all points of time expressed their readiness and willingness to release the amounts on production of the succession certificate, which the petitioners did not produce in spite of such an offer from the respondents. However, the authorities below having taken all the facts and circumstances into consideration directed the opposite party/respondents herein to return the amounts with the contract rate of interest from 12.10.1988 to 12.10.1999 and thereafter to pay simple interest at the applicable rate operative on the date of maturity till the date of payment. The view taken by the consumer forum as well as the commission is just and reasonable. This Court does not exercise any appellate jurisdiction over the orders passed by the consumer forum as well as the commission. We are not inclined to interfere with the discretion exercised by the consumer forum as well as

the commission.

Accordingly, the writ petition is dismissed. No order as to costs.

(B.Sudershan Reddy,J)

03..03..2005

(C.V.Ramulu, J)

ks/ts

To

1 The Manager, Canara Bank, Laxmipuram Grain Market Branch, (Incorporated into the Main Branch, Krishna Colony), Warangal.
2 The Manager, Central Bank, MEPD Section, MLA Quarters, Hyderabad.

3 2 CD copies.